

Judge: Hon. Brian D. Lynch
Chapter: 7
Hearing Date: January 24, 2024
Hearing Time: 9:00 a.m.
Hearing Place: Ctrm I, Tacoma
Response Deadline: January 17, 2024

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

SHANNON SMITH,

Debtor.

Case No. 23-41534-BDL

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO EXTEND
DEADLINE FOR MICHAEL SWICK TO
FILE COMPLAINT OBJECTING TO
DISCHARGE OF DEBT UNDER 11
U.S.C. § 523

Pursuant to Federal Rule of Evidence 201, Michael Swick ("Swick"), a creditor of Shannon Smith ("Debtor"), respectfully requests that the Court take judicial notice of the following documents in connection with his *Motion to Extend Deadline for Michael Swick to File Complaint Objecting to Discharge of Debt under 11 U.S.C. § 523*:

1. *Individual Chapter 13 Petition*, filed May 3, 2023 in the United States Bankruptcy Court for the Western District of Washington, case no. 23-407190BDL, a true and copy of which is attached hereto as **Exhibit 1**;

2. *Order Amending Case Schedule* filed May 9, 2023 in the Superior Court for Pierce County, Washington, case no. 22-3-00022-7, a true and correct copy of which is attached hereto as **Exhibit 2**; and

3. *Ex Parte Order Dismissing Chapter 13 Case* filed August 14, 2023 in the United States Bankruptcy Court for the Western District of Washington, case no. 23-407190BDL, a true and correct copy of which is attached hereto as **Exhibit 3**.

1 DATE: December 11, 2023

RAMSAUR LAW OFFICE

2
3 /s/ Brett H. Ramsaur

4 Brett H. Ramsaur, WSBA #41980

5 Joshua M. Nyman, WSBA #52878

6 Attorneys for Michael Swick
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26

Exhibit 1

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF WASHINGTON

Case number (if known)

Chapter you are filing under:

☐ Chapter 7

☐ Chapter 11

☐ Chapter 12

☒ Chapter 13

☐ Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

12/22

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be *yes* if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

About Debtor 2 (Spouse Only in a Joint Case):

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Shannon

First name

Raylene

Middle name

Swick

Last name and Suffix (Sr., Jr., II, III)

First name

Middle name

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names and any assumed, trade names and *doing business as* names.

Do NOT list the name of any separate legal entity such as a corporation, partnership, or LLC that is not filing this petition.

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

xxx-xx-3542

About Debtor 1:

4. Your Employer
Identification Number
(EIN), if any.

EIN

5. Where you live

**6119 384th St E
Eatonville, WA 98328**

Number, Street, City, State & ZIP Code

Pierce

County

If your mailing address is different from the one
above, fill it in here. Note that the court will send any
notices to you at this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

About Debtor 2 (Spouse Only in a Joint Case):

EIN

If Debtor 2 lives at a different address:

Number, Street, City, State & ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it
in here. Note that the court will send any notices to this
mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

6. Why you are choosing
this district to file for
bankruptcy

Check one:

- ☒ Over the last 180 days before filing this petition,
I have lived in this district longer than in any
other district.
- ☐ I have another reason.
Explain. (See 28 U.S.C. § 1408.)

Check one:

- ☐ Over the last 180 days before filing this petition, I
have lived in this district longer than in any other
district.
- ☐ I have another reason.
Explain. (See 28 U.S.C. § 1408.)

Part 2: Tell the Court About Your Bankruptcy Case

7. **The chapter of the Bankruptcy Code you are choosing to file under** *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*
- ☐ Chapter 7
- ☐ Chapter 11
- ☐ Chapter 12
- ☒ Chapter 13
-
8. **How you will pay the fee** ☒ **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
- ☐ **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
- ☐ **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.
-
9. **Have you filed for bankruptcy within the last 8 years?** ☒ No.
- ☐ Yes.
- | | | |
|----------------|------------|-------------------|
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
| District _____ | When _____ | Case number _____ |
-
10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?** ☒ No.
- ☐ Yes.
- | | |
|----------------|-----------------------------|
| Debtor _____ | Relationship to you _____ |
| District _____ | Case number, if known _____ |
| Debtor _____ | Relationship to you _____ |
| District _____ | Case number, if known _____ |
-
11. **Do you rent your residence?** ☒ No. Go to line 12.
- ☐ Yes. Has your landlord obtained an eviction judgment against you?
- ☐ No. Go to line 12.
- ☐ Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Part 3: Report About Any Businesses You Own as a Sole Proprietor**12. Are you a sole proprietor of any full- or part-time business?**☒ No.

Go to Part 4.

☐ Yes.

Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any _____

Number, Street, City, State & ZIP Code _____

Check the appropriate box to describe your business:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code, and are you a *small business debtor* or a debtor as defined by 11 U.S.C. § 1182(1)?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

☒ No.

I am not filing under Chapter 11.

☐ No.

I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

☐ Yes.

I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.

☐ Yes.

I am filing under Chapter 11, I am a debtor according to the definition in § 1182(1) of the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.

If you are filing under Chapter 11, the court must know whether you are a small business debtor or a debtor choosing to proceed under Subchapter V so that it can set appropriate deadlines. If you indicate that you are a small business debtor or you are choosing to proceed under Subchapter V, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention**14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**☒ No.☐ Yes.

What is the hazard? _____

If immediate attention is needed, why is it needed? _____

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

Where is the property? _____

Number, Street, City, State & Zip Code _____

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:

You must check one:

- ☒ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:
- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):

You must check one:

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

- ☐ I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you **MUST** file a copy of the certificate and payment plan, if any.

- ☐ I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy.

If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

- ☐ I am not required to receive a briefing about credit counseling because of:
- ☐ **Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- ☐ **Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- ☐ **Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?
- 16a. Are your debts primarily consumer debts? Consumer debts are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☒ No. Go to line 16b.
- ☐ Yes. Go to line 17.
- 16b. Are your debts primarily business debts? Business debts are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.
- ☐ No. Go to line 16c.
- ☒ Yes. Go to line 17.
- 16c. State the type of debts you owe that are not consumer debts or business debts
-
17. Are you filing under Chapter 7?
- ☒ No. I am not filing under Chapter 7. Go to line 18.
- Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?
- ☐ Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?
- ☐ No
- ☐ Yes
-
18. How many Creditors do you estimate that you owe?
- ☐ 1-49 ☐ 1,000-5,000 ☐ 25,001-50,000
- ☒ 50-99 ☐ 5001-10,000 ☐ 50,001-100,000
- ☐ 100-199 ☐ 10,001-25,000 ☐ More than 100,000
- ☐ 200-999
-
19. How much do you estimate your assets to be worth?
- ☐ \$0 - \$50,000 ☒ \$1,000,001 - \$10 million ☐ \$500,000,001 - \$1 billion
- ☐ \$50,001 - \$100,000 ☐ \$10,000,001 - \$50 million ☐ \$1,000,000,001 - \$10 billion
- ☐ \$100,001 - \$500,000 ☐ \$50,000,001 - \$100 million ☐ \$10,000,000,001 - \$50 billion
- ☐ \$500,001 - \$1 million ☐ \$100,000,001 - \$500 million ☐ More than \$50 billion
-
20. How much do you estimate your liabilities to be?
- ☐ \$0 - \$50,000 ☒ \$1,000,001 - \$10 million ☐ \$500,000,001 - \$1 billion
- ☐ \$50,001 - \$100,000 ☐ \$10,000,001 - \$50 million ☐ \$1,000,000,001 - \$10 billion
- ☐ \$100,001 - \$500,000 ☐ \$50,000,001 - \$100 million ☐ \$10,000,000,001 - \$50 billion
- ☐ \$500,001 - \$1 million ☐ \$100,000,001 - \$500 million ☐ More than \$50 billion

Part 7: Sign Below

For you

I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Shannon Raylene Swick

Shannon Raylene Swick

Signature of Debtor 1

Signature of Debtor 2

Executed on **May 3, 2023**
MM / DD / YYYYExecuted on
MM / DD / YYYY

For your attorney, if you are represented by one

If you are not represented by an attorney, you do not need to file this page.

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

/s/ David C. Smith WSBA

Date

May 3, 2023

Signature of Attorney for Debtor

MM / DD / YYYY

David C. Smith WSBA #29824

Printed name

Law Offices of David Smith, PLLC

Firm name

**201 Saint Helens Ave
Tacoma, WA 98402**

Number, Street, City, State & ZIP Code

Contact phone **253-272-4777**

Email address

david@davidsmithlaw.com**WSBA #29824 WA**

Bar number & State

INTERNAL REVENUE SERVICE
P.O. BOX 21126
PHILADELPHIA, PA 19114

INTERNAL REVENUE SERVICE
P.O. BOX 21126
PHILADELPHIA, PA 19114

AMEX
CORRESPONDENCE/BANKRUPTCY
PO BOX 981540
EL PASO, TX 79998

BANK OF AMERICA
ATTN: BANKRUPTCY
4909 SAVARESE CIRCLE
TAMPA, FL 33634

BANK OF AMERICA/SPIRIT AIRLINES 11/3
00000
0, WA

CAPITAL ONE
ATTN: BANKRUPTCY
PO BOX 30285
SALT LAKE CITY, UT 84130

CAPITOL ONE MASTERCARD# 3339
0000
0000, WA

CHASE AUTO
PO BOX 78232
PHOENIX, AZ 85062-8232

CHASE CARD SERVICES
ATTN: BANKRUPTCY
P.O. 15298
WILMINGTON, DE 19850

CHASE SW AIRLINES 11/3
0000
0000, WA

CITI-AMERICAN AIRLINES MASTERCARD
0000
0000, WA

CITIBANK
CITICORP CR SRVS/CENTRALIZED BANKRUPTCY
PO BOX 790040
ST LOUIS, MO 63179

CITIBANK/THE HOME DEPOT
CITICORP CR SRVS/CENTRALIZED BANKRUPTCY
PO BOX 790040
ST LOUIS, MO 63179

CITY SALES /PROPERTY TAXES
000
000, AL

COMENITY BANK/VICTORIA SECRET
ATTN: BANKRUPTCY
PO BOX 182125
COLUMBUS, OH 43218

CREDIT ONE BANK
ATTN: BANKRUPTCY DEPARTMENT
PO BOX 98873
LAS VEGAS, NV 89193

DISCOVER # 7655
0000
0000, WA

DISCOVER FINANCIAL
ATTN: BANKRUPTCY
PO BOX 3025
NEW ALBANY, OH 43054

EMPLOYMENT SECURITY
00
000, AL

GREAT LAKES
ATTN: BANKRUPTCY
PO BOX 7860
MADISON, WI 53704

GREAT LAKES PARENT LOANS
0000
00000, WA

IRS
BANKRUPTCY NOTICES
PO BOX 7346
PHILADELPHIA, PA 19101

IRS
000
000, UT

IRS
000
000, AL

KOHL'S/CAPITAL ONE
ATTN: CREDIT ADMINISTRATOR
PO BOX 3043
MILWAUKEE, WI 53201

L&I
000
EATONVILLE, WA

LABORER UNION DUES
00000
0000, WA

LAW OFFICE OF THOMAS BALDWIN
1002 39TH AVE SW STE 205
PUYALLUP, WA 98373

LEXUS FINANCIAL SERVICES
PO BOX 4102
CAROL STREAM, IL 60197-4102

MACYS
0000
0000, WA

MACYS/FDSB
ATTN: BANKRUPTCY
9111 DUKE BOULEVARD
MASON, OH 45040

MICHAEL SWICK
2225 180TH ST E
TACOMA, WA 98445

NAVIENT
ATTN: BANKRUPTCY
PO BOX 9640
WILES-BARR, PA 18773

NEWTEK SMALL BUS FINANCE
1981 MARCUS AVE SUITE 130
LAKE SUCCESS, NY 11042

OPERATORS UNION
0000
0000, WA

PAID FAM MED LEAVE
000
000, AL

SHELLPOINT
P.O. BOX 619063
DALLAS, TX 75261-9063

SYNCB/OLD NAVY
ATTN: BANKRUPTCY
PO BOX 965060
ORLANDO, FL 32896

SYNCB/PAYPALSMARTCONN
ATTN: BANKRUPTCY
PO BOX 965060
ORLANDO, FL 32896

SYNCHRONY BANK/HHGREGG
ATTN: BANKRUPTCY
PO BOX 965060
ORLANDO, FL 32896

US BANK # 3601
0000
0000, WA

US BANK #3573
0000
0000, WA

US BANK FLEX-PERKS X3601
0000
0000, WA

US BANK PLATINUM 4006 # 1503
0000
0000, WA

US BANK/RMS
ATTN: BANKRUPTCY
PO BOX 5229
CINCINNATI, OH 45201

VICTORIA SECRET
0000
0000, WA

WA STATE DEPT OF REVENUE
00
00, AL

WSECU
PO BOX WSECU
OLYMPIA, WA 98507

WSECU
ATTN: BANKRUPTCY
PO BOX WSECU
OLYMPIA, WA 98507

YAMAHA MOTOR
6555 KATELLA AVE
CYPRESS, CA 90630

YAMHA FINANCIAL SERVICES
PO BOX 200710
DALLAS, TX 75320

Exhibit 2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

May 09 2023 2:19 PM

No. 22-3-00022-7

**ORDER AMENDING
CASE SCHEDULE**

CONSTANCE R. WHITE
COUNTY CLERK

SHANNON SWICK

Petitioner(s)

vs.

MICHAEL SWICK

Respondent(s)

Type of Case: DIC
Estimated Trial (days): 3
Track Assignment: Dissolution
Assigned Department: 13 - Judge Matthew Hummel Thomas
Docket Code: ORACS

Plaintiff's/Petitioner's Disclosure of Primary Witnesses	06/27/23
Defendant's/Respondent's Disclosure of Primary Witnesses	07/25/23
Disclosure of Rebuttal Witnesses	08/15/23
Deadline for Filing Motion to Adjust Trial Date	08/29/23
Status Conference	09/21/23 08:45
Discovery Cutoff	10/03/23
Exchange of Witness and Exhibit Lists and Documentary Exhibits	10/17/23
Joint Statement of Evidence	10/17/23
Trial	11/14/23 09:00

Unless otherwise instructed, ALL Attorneys/Parties shall report to the trial court at 9:00 AM on the date of trial.

NOTICE TO PLAINTIFF/PETITIONER

If the case has been filed, the plaintiff shall serve a copy of the Case Schedule on the defendant(s) with the summons and complaint/petition. Provided that in those cases where service is by publication the plaintiff shall serve the Case Schedule within five (5) court days of service of the defendant's first

NOTICE TO ALL PARTIES

All attorneys and parties shall make themselves familiar with the Pierce County Local Rules, particularly those relating to case scheduling. Compliance with the scheduling rules is mandatory and failure to comply shall result in sanctions appropriate to the violation. If a statement of arbitrability is filed, PCLR 3 does not apply while the case is in arbitration.

DATED: 5/9/23



Judge Matthew Hummel Thomas
Department 13 (253) 798-7564

Exhibit 3



Brian D. Lynch

Brian D. Lynch
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

SHANNON RAYLENE SWICK,

Debtor.

Case No.: 23-40719-BDL

EX PARTE ORDER DISMISSING CHAPTER 13
CASE

THIS MATTER having come on for hearing before the above entitled Court and the Court having entered a Strict Compliance Order on July 12, 2023 (ECF No. 33) which ordered the Debtor to file a feasible amended plan no later than 14 days from the date of the entry of the order. Said plan has not been filed. The Court having reviewed the record, the pleadings filed in this case in support of the *ex parte* Order Dismissing and otherwise being fully advised, it is hereby

ORDERED that any funds being held by the Trustee shall be applied to the filing fee, with any remaining balance returned to the Debtor; it is further

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

ORDERED that upon dismissal or conversion, any refund shall be payable to the Debtor and may be forwarded to the Debtor through the attorney's office per 11 U.S.C. 349(b)(3); it is further

ORDERED that the above-captioned case be dismissed effective on the date of this Order and the Trustee is directed to administratively close this case and issue Trustee's Final Report to creditors.

///End of Order///

Presented by:

~~/s/ Michael G. Malaier~~
Michael G. Malaier, WSBA #34729
Chapter 13 Standing Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600